



**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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No. 2:19-cv-245

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ANTHONY MARSER, A,

Petitioner

v.

L.J. ODDO, *Warden,*

Respondent

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**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

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Petitioner Anthony Marsera filed a *pro se* Petition for Writ of Habeas Corpus, arguing that he should have received credit against his federal sentence for the period during which he was detained in a Columbian jail before his extradition to the United States. [ECF 1-1]. Respondent L.J. Oddo responded by filing a Notice of Suggestion of Mootness. [ECF 7]. In that Notice, Warden Oddo asserted that the Petition should be dismissed as moot because, following an audit of Mr. Marsera's sentence, the Bureau of Prisons determined that he was right, and he should receive credit toward his federal sentence for the time he spent in Columbian custody. [*Id.*]. As such, the Bureau of Prisons released Mr. Marsera from custody on April 1, 2019. [*Id.*].

Mr. Marsera's case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72 of the Local Rules for Magistrate Judges.

On August 13, 2020, Magistrate Judge Lenihan entered a Report and Recommendation, recommending that the Petition "be dismissed as moot" because Mr. Marsera "has been provided with all the relief that this Court could have ordered if it had granted his Petition[.]" [ECF 8, p. 3]. That Report and Recommendation was mailed to Mr. Marsera. [*Id.* at p. 4]. Mr. Marsera was also informed that the deadline for filing objections to the Report and Recommendation was, at the latest, August 31, 2020. [*Id.*]. As of today, however, no objections have been filed.

Upon independent review of the Petition [ECF 1], Warden Oddo's Notice of Suggestion of Mootness [ECF 7], and the rest of the record, and upon consideration of Magistrate Judge Lenihan's well-reasoned Report and Recommendation, the Court finds no clear error on the face of the record, and therefore enters the following order:

**AND NOW**, this **1<sup>st</sup> day of September, 2020**, it is **ORDERED** that the Report and Recommendation [ECF 8] is adopted as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Petition for Writ of Habeas Corpus [ECF 1] is **DISMISSED** as moot and that this case be closed.

BY THE COURT:

/s/ J. Nicholas Ranjan  
United States District Judge

cc: Anthony Marsera  
78317-054  
Moshannon Valley Correctional Center  
555 Geo Drive  
Philipsburg, PA 16886